

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

**PATRICIA HOLLAND, the Surviving)
Mother of KIP EUGENE HOLLAND)
and WAYNE HOLLAND as the)
Administrator of the Estate of)
KIP EUGENE HOLLAND, Deceased)**

Plaintiffs,

VS.

**CYPRESS INSURANCE COMPANY;)
JW HARPER FARMS, LLC,)
and KERI BELL, as Administrator)
of the Estate of JAMES WENDELL)
HARPER, Deceased,)**

Defendants.

CIVIL ACTION FILE

NO. 2:17-CV-0120

**PLAINTIFFS' AMENDED REQUESTS TO CHARGE
WITH SUPPORTING CASE LAW**

COME NOW, Patricia Holland, the Surviving Mother of Kip Eugene Holland and Wayne Holland, as the Administrator of the Estate of Kip Eugene Holland, Deceased, in the above-styled action and hereby file their Amended Request to Charge number 9 (including subparts from pattern charges).

Plaintiffs have included in these Requests all relevant and appropriate Pattern Jury Charges, as well as any other charges Plaintiffs believe are appropriate and applicable to this case. The Pattern Charges are taken from the Eleventh Circuit

Pattern Jury Instructions – Civil and Georgia’s current pattern charges. Plaintiffs request that they be submitted to the jury in addition to the unique charges.

Plaintiffs have presented the case law supporting each of the proposed unique, non-pattern charges for the Court’s benefit. Plaintiffs therefore respectfully request these charges to instruct the jury.

LAZENBY LAW GROUP, LLC

/s/ R. SHANE LAZENBY

R. SHANE LAZENBY
GEORGIA STATE BAR No. 441670

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SHANE@LAZLAWGROUP.COM

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF COMPLIANCE WITH L.R. 7.1

The undersigned attests that this document was prepared in Times New Roman, 14-point font that complies with this Court's Rules.

This 3rd day of February, 2020.

LAZENBY LAW GROUP, LLC

/s/ R. SHANE LAZENBY

R. SHANE LAZENBY
GEORGIA STATE BAR No. 441670

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed the Plaintiffs' Requests to Charge with the Clerk of Court using the CM/ECF system and have served a copy of the within and foregoing pleading to all parties to this matter via hand delivery as follows:

Brent M. Estes
Dennis, Corry, Smith & Dixon, LLP
900 Circle 75 Parkway, Suite 1400
Atlanta, GA 30339

I FURTHER CERTIFY that the undersigned is in possession of the original pleading referenced above.

This 3rd day of February, 2020.

LAZENBY LAW GROUP, LLC

/s/ ***R. SHANE LAZENBY***

R. SHANE LAZENBY
GEORGIA STATE BAR No. 441670

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PLAINTIFF'S REQUEST TO CHARGE NO. 9-A

PAIN AND SUFFERING

There is no requirement that the physical injury precede the mental pain and suffering.

Crockett v. Norfolk S. Ry. Co., 95 F. Supp. 2d 1353, 1365 (N.D.Ga., 2000) (aff'd, 239 F.3d 370 (11th Cir. 2000)) (The fright, shock, and mental suffering experienced by an individual due to wrongful acts of negligence will authorize a recovery where attended with physical injury.) (citing Monk v. Dial, 212 Ga. App. 362 (1994)).